

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA

vs.

03-CR-211S

FRANK E. PETERS,

Defendant.

**CONSENT ORDER TO SATISFY OR PAY LA JOLLA BANK'S LOAN NOTE
ON 513 MESQUITE HILLS, LOT 26, PALM DESERT, CALIFORNIA**

WHEREAS, on January 13, 2009, this Court entered an Order restraining for 60 days La Jolla Bank of California ("La Jolla") from continuing with a foreclosure proceeding against 513 Mesquite Hills, Lot 26, Palm Desert, Riverside County, California. (See Docket #344.); and

WHEREAS, on January 14, 2009, an Order restraining the foreclosure proceeding for a period of 60 days, until further order of this Court, and for the parties to negotiate a resolution to La Jolla's security interest and Deed of Trust was duly filed by this Court; and

WHEREAS, said Order provided that after the expiration of 60 days of the Order, in the absence of agreement, any party may apply to the Court for an Order directing the satisfaction of La Jolla's interest in 513 Mesquite Hills using the funds currently on deposit

with the United States Marshals Service under this case name; and

WHEREAS, on or about March 17, 2009, the Government filed a Notice of Motion and Motion permitting the Government and directing the United States Marshals Service to satisfy or pay a certain La Jolla Bank FSB loan note #10-53-019916 regarding the Deed of Trust for 513 Mesquite Hills, Lot 26, Palm Desert, Riverside County, California, using funds already on deposit with the United States Marshals Service in this case; and

WHEREAS, the government has shown cause that using funds already on deposit with the United States Marshals Service in this case to satisfy and resolve La Jolla's interest in 513 Mesquite Hills, Lot 26, Palm Desert, California will not unduly prejudice any party, and there being no objection by Defendant; it is therefore, now

ORDERED AND DECREED, that the United States Marshals Service deliver forthwith to La Jolla Bank FSB a sum certain, determined to the day of payment according to the updated March 3, 2009 Demand Statement (See Docket No. 342 Exhibit A.) including principal and all expenses as itemized plus interest calculated to the date of payment, to satisfy and pay a certain loan note No. 10-53-019916 in the name of Frank E. Peters regarding the Deed of Trust for 513

Mesquite Hills, Lot 26, Palm Desert, California, using the funds already on deposit with the United States Marshals Service in this case; and

FURTHER, the government's Motion for an Order to Satisfy or Pay La Jolla Bank's Loan Note (Docket No. 352) is GRANTED, there being no objection by Defendant.

FURTHER, that this Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

SO ORDERED.

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge

DATED: March 30, 2009
Buffalo, NY